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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **OAKLAND DIVISION**

20 LAURI VALJAKKA,
21 Plaintiff,
22 v.
23 NETFLIX, INC.,
24 Defendant.

Case No. 4:22-cv-01490-JST

**REPLY IN SUPPORT OF MOTION FOR
LEAVE TO SUPPLEMENT SUMMARY
JUDGMENT RECORD BASED ON
ARGUMENTS RAISED AT THE
HEARING UNDER RULE 56 (D) AND (E)**

Judge: Hon. Jon S. Tigar
Date: February 15, 2024
Time: 2:00 p.m.

Ctrrm: 6 – 2nd Floor

1 **I. INTRODUCTION**

2 Lauri Valjakka (“Valjakka”) files this reply in support of his request to supplement the
3 summary judgment record, showing the Court Defendant Netflix’s response does not change that
4 the issue was newly raised at oral argument and therefore this supplement is appropriate.

5 **II. NETFLIX’S RESPONSE DOES NOT ESTABLISH A SUPPLEMENT ON**
6 **COMITY IS NOT APPROPRIATE**

7 Netflix’s response¹ merely attempts to say the issue of comity was mentioned in a case that
8 referred to another case.² However, Netflix did not raise the issue raise the *Akazawa* case in its
9 Motion, only its reply.³ Likewise, both parties cited the case not for a principal of comity but
10 rather that foreign law can be used to decide ownership of a patent. Neither party briefed comity
11 or its application in this case. Valjakka moved to supplement the record under Rule 59(e) in the
12 interests of fairness and substantial justice to address this narrow issue.

13 **III. FURTHER APPEALS OF FINNISH OWNERSHIP**

14 Netflix’s response also fails to refute the fact that the Court in the summary judgment
15 hearing said that Valjakka should address the issue of ownership in Finnish Courts. Well, Valjakka
16 is doing that through a filing in the Finnish Market Court. A delay of a few months to obtain a final
17 ruling from the Finnish Market Court would serve the interests of justice. Netflix will not be
18 prejudiced as it requested a delay in the trial date and the Court has only recently issued a new
19 dispositive motion period with a new trial date.⁴

20 **IV. CONCLUSION**

21 Valjakka respectfully requests that the Court grant it leave to file this brief supplement based
22 on the new case discussed at the hearing.
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27 ¹ Doc. No. 245.

28 ² *Id.* at 2-3.

³ *Akazawa v. Link New Tech. Int’l, Inc.*, 520 F.3d 1354, 1357 (Fed. Cir. 2008).

⁴ Doc. No. 247.

Respectfully submitted,
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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of December 11, 2023, with a copy of the foregoing via e-mail.

/s/William P. Ramey, III
William P. Ramey, III